

Docket No.: P-0204

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCE**

In re Application of

Confirmation No.: 9587

Chin Tae KIM et al.

Group Art Unit: 3628

Serial No.: 09/837,291

Examiner: Chin Tae Kim

Filed: April 19, 2001

Customer No.: 34610

For: PURCHASING SYSTEM ON INTERNET AND METHOD THEREOF

REPLY BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 223134

Sir:

In response to the Examiner's Answer dated August 16, 2007, appellants are filing this Reply Brief in accordance with 37 C.F.R. §41.41. Appellants maintain all the arguments made in the Appeal Brief filed April 30, 2007. However, in the interest of efficiency appellants are providing the following comments in response to statements and/or arguments in the Examiner's Answer.

A. Rejections Based on De La Motte

The Office Action dated April 7, 2006 (hereafter the Office Action) rejects claims 20-26, 28-29 and 39 under 35 U.S.C. §102(e) over U.S. Patent Publication 2003/0014318 to De La

Motte et al. (hereafter DE). The Office Action also rejects claims 27 under 35 U.S.C. §103(a) over DE.

Independent claim 20 recites identifying whether vendors satisfy minimum attributes set by a buyer and registering the vendors that satisfy the minimum attributes. The Examiner's Answer (on pages 3-4) appears to assert that DE's paragraphs [0031]-[0032] discloses remote buyers developing RFQ's to define both objective configurations and subjective characteristics of the product. The Examiner's Answer (on page 10, lines 9-13) also states that the examiner asserts that DE explicitly discloses identifying whether vendors satisfy minimum attributes set by a buyer. The Examiner's Answer cites features relating to RFQ's defining objective/subjective configurations of a product. However, appellants respectfully submit that an RFQ that specifies objective or subjective aspects of a product does not teach or suggest identifying whether a vendor satisfy minimum attributes set by a buyer. An aspect of a product does not teach or suggest a vendor satisfying minimum attributes set by a buyer. See also the Appeal Brief, pages 10-13.

DE also does not teach or suggest registering the vendors that satisfy the minimum attributes. The Examiner's Answer citation to DE's paragraphs [0029]-[0030] does not suggest registering the vendors that satisfy the minimum attributes.

For at least the reasons set forth above and in the Appeal Brief, DE does not teach or suggest all the features of independent claim 20. Thus, independent claim 20 defines patentable subject matter.

Independent claim 26 recites a spatial location engine to determine criteria of a buyer and attributes of a plurality of vendors and a registering unit to register vendors which satisfy set minimum attributes. The Examiner's Answer (on page 11) appears to cite DE's paragraph [0032] as disclosing software filters that correspond to these claimed features. However, the cited paragraph does not teach or suggest a spatial location engine to determine criteria of a buyer and attributes of a plurality of vendors as recited in independent claim 26. Further, for at least similar reasons as set forth above, DE does not teach or suggest a registering unit to register vendors which satisfy set minimum attributes. The Examiner's Answer (on page 6) also asserts that DE's paragraphs [0032]-[0033] disclose an engine to automatically select a qualified vendor for the buyer based on the database information and the selection criteria (from the buyer), as recited in independent claim 26. The cited paragraphs do not teach or suggest an engine to automatically select and/or "based on the database information and the selection criteria."

Accordingly, DE does not teach or suggest all the features of independent claim 26. Thus, independent claim 26 defines patentable subject matter.

Independent claim 34 recites means for qualifying the first party to a set of minimum attributes. For at least similar reasons as set forth above, DE does not teach or suggest at least these features. Additionally, the Examiner's Answer (on page 7) cites DE's paragraphs [0074]-[0075] for these features. However, developing product quality standards and performing product testing does not teach or suggest qualifying a first party and/or a set of minimum attributes. Thus, independent claim 34 defines patentable subject matter.

B. Rejection Based on Appellants' Disclosure

The Office Action rejects each of independent claims 1, 8, 13 and 16 (and their corresponding dependent claims) under 35 U.S.C. 103(a) over the appellants' disclosure (hereafter AAPA). The Office Action and/or the Examiner's Answer has not provided any basis in which to state that the subject matter relied upon in the Office Action and the Examiner's Answer constitutes prior art. Appellants respectfully request that the Patent Office provide a basis in which to determine whether the subject matter alleged in the Background section corresponds to prior art under 35 U.S.C. §102.

Furthermore, the Office Action (on page 7) and the Examiner's Answer (on page 8) states that claims 1-19 merely recite automation of a manual purchasing method that is disclosed in the Background section. However, appellants respectfully disagree with this statement. Appellants believe that the Examiner's Answer is incorrectly interpreting automation to relate to activities over the Internet. The use of the Internet is not a mere automation as appears to be alleged. That is, each of independent claims 1, 8, 13 and 16 (and their corresponding dependent claims) recite features that are more than just mere automation of a process. For example, independent claim 1 recites various operations that are more than just a mere automation. Additionally, each of independent claims 1, 8, 13 and 16 recite features that are more than just a mere automation of a manual purchasing method. That is, the claims recite more features than appears to be acknowledged by the Office Action and/or the Examiner's Answer. For example, the various features cited in independent claim 1 are more than merely providing an automatic

means to replace a manual activity. That is, the numerous features recited in independent claim 1 are beyond a mere automation of a manual purchasing method.

Appellants believe that *In re Venner* has been applied inappropriately and/or without regard to the specific claim language. The claims provide more than an automatic or mechanical means to replace a manual activity that accomplishes a same result.

Independent claim 1 recites an Internet-based automatic purchasing method performed on at least one server. The method recited in the body of independent claim 1 is more than an automation of a manual purchasing method as appears to be alleged in the Office Action. That is, the method of independent claim 1 includes inputting a notice of tender by a buyer on a server at a purchasing site, the notice including purchasable items, and applying for a new registration by at least one company desiring to join the tender. Independent claim 1 also recites screening the at least one company to determine whether the at least one company applying for a new registration satisfy a certain condition set in advance, registering the at least one company as cooperation companies when the companies satisfy the certain condition set in advance, and sending a request for quote to the cooperation companies. Independent claim 1 further recites sending bids to the purchasing site by the cooperation companies in response to the request for quote, and selecting a selected cooperation company to supply the purchasable items by automatically screening the registered cooperation companies, wherein the screening, the registering, the sending the request, and the selecting are all performed automatically by the at least one server.

Accordingly, appellants respectfully submit that independent claim 1 is more than a mere automation of a manual activity. The use of servers and sites of the Internet is more than a mere automation. Therefore the Office Action's assertion that it is mere automation is not proper. Accordingly, the Office Action and Examiner's Answer have not shown a *prima facie* case of obviousness and/or have not shown that all the claimed features are taught or suggested by the prior art. AAPA does not teach or suggest all the features of independent claim 1. Independent claim 1 therefore defines patentable subject matter.

Additionally, independent claim 8 recites an Internet-based automatic purchasing system that includes a web server, an internal database and an external database. A web server, an internal database and an external database are clearly more than a mere automation of a manual process. Further, the features are also specific structures. That is, these features relate to specific features of a system. AAPA does not teach or suggest all the features of independent claim 8. Thus, independent claim 8 defines patentable subject matter.

Independent claim 13 recites an Internet-based joint purchasing system that includes a plurality of regional terminals, a plurality of regional servers and a main server. These features of the Internet based joint purchasing system, namely terminals, regional servers and a main server are more than a mere automation as asserted in the Office Action. Further, the features are also specific structures. AAPA does not teach or suggest all the features of independent claim 13. Thus, independent claim 13 defines patentable subject matter.

Furthermore, independent claim 16 recites an Internet-based joint purchasing system that includes transmitting the inputted orders to a main server and that the plurality of servers are

jointly tendered in the notice of tender to a plurality of cooperation companies through the Internet. These features are more than a mere automation of a manual process. AAPA does not teach or suggest all the features of independent claim 16. Thus, independent claim 16 defines patentable subject matter.

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In view of the above and/or statements and arguments made in the Appeal Brief, it is respectfully submitted that each of claims 1, 3-29 and 34 defines patentable subject matter. Appellants respectfully request that the rejection of the pending claims be withdrawn and/or reversed.

Respectfully submitted,
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Date: October 16, 2007

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